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PART IV

GOVERNMENT OF MEGHALAYA

DISTRICT COUNCIL AFFAIRS DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 26th November, 2007.

No.DC.L/VII/8/2007/5/4006.—In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Khasi Hills Autonomous District Council is hereby published for general information:-

THE KHASI HILLS AUTONOMOUS DISTRICT (APPOINTMENT AND SUCCESSION OF SYIEM, DEPUTY SYIEM, ELECTORS AND RANGBAH SHNONG OF MYLLIEM SYIEMSHIP) ACT 2007

AN

ACT

to make provisions for the appointment and succession of the Syiem, Deputy Syiem, Electors and Headmen of Myllem Syiemship.

PREAMBLE:- Whereas under clause (g) of Sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council of an Autonomous District is empowered to make laws with respect to the appointment or succession of Chief or Headman.

And whereas it is expedient to make such provisions for the appointment and succession of the Syiem, the Deputy Syiem, the Electors and the Rangbah Shnong of Myllem Syiemship.

Now, therefore, the District Council of the Khasi Hills Autonomous District in exercise of powers conferred on it as aforesaid and of all other powers enabling it in that behalf, hereby enacted in the Fifty Eight Year of the Republic of India as follows:-

1. Short title, Extent and Commencement:-

- (1) This Act may be called the Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act, 2007.
- (2) It shall apply to the whole of the Myllem Syiemship.
- (3) It shall come into force at once.

2. Definitions:-In this Act unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them as follows:

- (a) "Adult" means a person who is not less than eighteen years of age;
- (b) "basan" means an adult male administrative head belonging to the Khasi community who is the native of Myllem Syiemship from the clan and of the Raid Ri-Lum as shown in Schedule-II;
- (c) "District Council" means the Khasi Hills Autonomous District Council constituted under the provisions of the Sixth Schedule to the Constitution of India;
- (d) "Durbar Hima" means the General Durbar of Myllem Syiemship comprising of the Syiem, the Deputy Syiem, the Basan, the Myntri, the Lyngdoh, the Syiem Raid, the Lyngdoh Raid, the Longsan, the Rangbah Shnong alongwith the elders/representatives of villages and urban localities and ki khun ki hajar of the Hima, as may be summoned by the Executive Durbar at least once a year and to be presided by the Syiem and in his absence by the Deputy Syiem. In the event of any emergency, the Durbar Hima may be convened as deem necessary.
- (e) "Deputy Syiem" or "Syiem Khynnah" means a Khasi male adult belonging to any of the "Lai Kpoh" of the Syiem clan of Myllem Syiemship and duly appointed under the provisions of this Act;
- (f) "Executive Committee" means the Executive Committee of the Khasi Hills Autonomous District Council;
- (g) "Electors" means an indigenous Khasi male adult of the Hima who as per customs holds office as the Basan, the Myntri and the Lyngdoh duly appointed and recognised by the Syiem and his Executive Durbar and approved by the Executive Committee who is eligible to elect the Syiem under the prevailing custom of Myllem Syiemship. The list of Electors is as shown in Schedule - II to this Act;
- (h) "Executive Durbar" means a Committee consisting of the Syiem, the Deputy Syiem and some other members from amongst the Electors as may be appointed by the Syiem and approved by the Executive Committee to run the day-to-day affairs of Myllem Syiemship, and it shall be presided over by the Syiem and in his absence by the Deputy Syiem;
- (i) "Hima" means an administrative and territorial jurisdiction of the Syiem and the Durbar of Myllem Syiemship duly recognized by the District Council;
- (j) "Lyngdoh" means the authorized adult male representative belonging to the Khasi community who is the native of Myllem Syiemship from the clan and of the Raid Ri-Lum as shown in Schedule - II to this Act;
- (k) "Lai Kpoh" means the three wombs of the Syiem Myllem clan i.e (1) the Myllem Womb, (2) the Laitkor Womb and (3) the Mawlai Womb, only whose natural descendant is eligible to become the Syiem and the Deputy Syiem of Myllem Syiemship.
- (l) "Longsan" means an elderly male adult belonging to Khasi community who is the native of Raid Ri-Them as may be appointed under the provision of this Act;
- (m) "Lyngdoh Raid" means an adult male representative belonging to the Khasi community who is the native of Myllem Syiemship from the clan and of the Raid Ri-Them as shown in Schedule - III to this Act;
- (n) "Myntri" means the authorized adult male administrative head belonging to the Khasi community who is the native of Myllem Syiemship from the clan and of Raid Ri-Lum as shown in Schedule - II to this Act;
- (o) "Raid" means a commune land comprising of villages that falls within the territorial jurisdiction of Myllem Syiemship and recognized as such by the Executive Committee;
- (p) "Returning Officer" means the Secretary to the Executive Committee or any other Officer as may be appointed by the Executive Committee;
- (q) "Rangbah Shnong" means a traditional elected head of a village of an urban locality under the administrative control and territorial jurisdiction of Myllem Syiemship who belongs to a Khasi community and is duly appointed as per the provision of this Act;

- (r) "Raid Ri-Lum" means an upland Raid;
- (s) "Raid Ri-Them" means a lowland Raid;
- (t) "Syiem" means the customary Chief and the Administrative Head of Myllem Syiemship who is a Khasi male adult belonging to any of the "Lai Kpoh" of the Syiem clan of the Hima and duly appointed under the provisions of this Act. The names of Syiems who ruled Myllem Syiemship are shown in Schedule-I;
- (u) "Syiem Raid" means an adult male administrative head belonging to the Khasi community who is the native of Raid Ri -Them from the clan and of the Raid as shown in Schedule-III, duly appointed and recognised as such, as the case may be under the provisions of this Act.

3. Qualifications for the office of the Syiem, Deputy Syiem and Acting Syiem:-

An adult male person belonging to the Syiem Myllem clan who is the resident of the Hima shall qualify to be elected as the Syiem or the Deputy Syiem, if:-

1. he is a biological son of parents who are both of indigenous Khasi by birth and a natural descendant from any of the Lai Kpoh.
2. he observes and is governed by Khasi matrilineal System of lineage, the Khasi laws of inheritance and succession and the Khasi Laws of consanguinity and kinship.
3. he bears a good moral character.
4. he is a native resident of Myllem Syiemship.
5. he is able to read, write and speak the Khasi language.
6. he is not an employee of any recognized institution or college or university or Government Department or Government Organization or District Council; and
7. he is not a member of any political party.

4. Election/Confirmation of the Syiem:-

- (1) When a vacancy occurs in the office of the Syiem, a descendant from any of the Lai Kpoh who possesses the require qualifications prescribed in Section 3 of this Act is eligible to contest the post of the Syiem.
- (2) The Returning Officer shall cause the Electoral Roll to be prepared of an eligible voters, call for the nomination and scrutiny of candidates, hold election, declare the result thereof and or do things necessary for the purpose of the election.
- (3) The Returning Officer, on receipt of the names of the electors, shall by a public notification of not less than 30 (thirty) days, notify their names, calling for objection etc., if any, and shall approve the names of the electors.
- (4) In case there is any objection regarding the name(s) of the elector(s), the Returning Officer shall conduct a hearing of parties involved and shall finally dispose of the matter after affording the opportunity of being heard and shall approve the name or names of elector or electors. The decision of the Returning Officer in approving the names of electors shall be final and binding.
- (5) The Returning Officer shall called for filing of Nomination from eligible person(s) and after scrutiny of the name(s) of the candidate(s), shall by public notification of not less than 30 (thirty) days, fix a date and time and summon a meeting of all the approved electors in the office of the Hima or in such a place within the Hima for the confirmation/election of the Syiem.
- (6) Such meeting shall be conducted by the Officer deputed under sub-section (5) above who shall forthwith submit the report to the Returning Officer.
- (7) The confirmation/election of the Syiem shall be detenmned by counting of heads. A candidate who

wins a simple majority of the votes of the electors present and voted, shall be declared elected and his name shall be recommended for issuing of Appointment Order or Sanad.

- (8) The Returning Officer may, in case of doubt or uncertainties make a reference to the Executive Committee for direction and decision.

5. Appointment and Succession of the Syiem:-

On the basis of the result referred to in section 4 of this Act, the Executive Committee shall recommend the appointment and succession of the confirmed/elected Syiem to the next Session of the District Council and after approval of the Council, shall forthwith issue appointment order under such terms and conditions as the Executive Committee may provide and not inconsistent with the provisions of this Act.

6. Dispute Regarding the Election and Confirmation of the Syiem:-

- (1) If within thirty days of the declaration of the result by the Returning Officer, any dispute arises regarding any matter relating to or connected with the election of the Syiem, the party or parties concerned, shall, by a petition refer the dispute to the Tribunal constituted by the Executive Committee for the purpose. The Tribunal shall dispose off the matter as early as possible and shall not ordinarily exceed six months from the date of receipt of the case records which reports and finding shall be submitted to the Executive Committee for its final decision.

However, the Executive Committee may, on receipt of a written request from the Tribunal, extend the period of six months on reasonable grounds.

- (2) Such petition shall be filed to the Secretary of the Executive Committee in duplicate accompanied by a fee as may be prescribed by the Executive Committee from time to time.

7. Term of Office of the Syiem:- The Syiem shall hold office during his life time from the date of his appointment.

However, in the event of any complaint against the functioning of the Syiem which prima facie disclosed that:-

- (a) he has violated any of the terms and conditions of his appointment/Sanad;
or
(b) he has lost the confidence of the majority of his electors;
or
(c) he has been conducting himself in a manner derogatory to his office or which may undermine the authority of the Executive Committee;
or
(d) he is found to be mentally unfit or incapable to carry out the administration of the Hima due to ill health, old age or habitual drunkenness;
or
(e) he violates any customary right and practices prevailing in the Syiemship;
or
(f) he has been convicted of an offence involving moral turpitude;
or
(g) he is an undischarged insolvent;

the Executive Committee may, after inquiry, suspend or remove him from office.

Provided that any complaint against the Syiem should first be brought to the knowledge and notice of the Durbar Hima:

Provided further that the Syiem shall not be removed or suspended from office unless he is given an opportunity of being heard:

Provided also, that the requirement of the second proviso shall not apply in the case where the order of removal or suspension is awarded on account of his being convicted of an offence involving moral turpitude.

8. Appointment of an Acting Syiem:-

- (1) If at any time the Office of a Syiem falls vacant as a result of death, resignation, retirement due to old age, removal or suspension, the Executive Committee may by order in writing appoint the Deputy Syiem to act as an Acting Syiem who shall exercise all the powers and functions of the Syiem:

“Provided that, when a situation is so warranted, the Executive Committee may, in consultation with the Executive Durbar, appoint any Khasi male adult belonging to the Syiem Myllem Clan who fulfills the qualifications prescribed in Section 3 above, as the Acting Syiem of Myllem Syiemship.

- (2) An Acting Syiem will remain in office until appointment of a new Syiem or until further order of the Executive Committee whichever is earlier.
- (3) Whenever there is a change of incumbent on account of sub-section (1) above there shall be a proper taking and handing over charge of the office properties duly recorded in writing between the predecessor and the successor incumbents in the presence of reliable witness.

Any deliberate or willful violation of this provision shall be treated to be an act of criminal breach of trust and the incumbent is liable to be proceeded with accordingly. Moreover, such person shall no longer be eligible to hold any post/office under the provision of this Act.

9. Election and confirmation of the Deputy Syiem or Syiem Khynnah:-

- (1) When a vacancy occurs in the office of the Deputy Syiem, it is the duty of the Syiem in accordance with the customary practices to nominate from amongst the adult brothers or nephews of the Syiem and shall introduce the new Deputy Syiem or Syiem Khynnah to the Executive Durbar for approval with a report to the Executive Committee. Thereafter, the Syiem shall issue an appointment order or Sanad to the Deputy Syiem who shall exercise such powers and functions as may be delegated to him by the Syiem and his Executive Durbar.
- (2) The Deputy Syiem shall be the member of the Executive Durbar and the Durbar Hima and he shall preside the meetings as and when the Syiem is not present due to ill health or due to unavoidable circumstances.

10. Dispute regarding the election and Confirmation of the Deputy Syiem:-

- (1) If any dispute arises regarding the nomination of the Deputy Syiem under Sub-Section (1) of Section 9 above, the dispute shall be referred by the party or parties concerned, by a petition to the Executive Committee within a period of thirty days from the date of nomination. The decision of the Executive Committee shall be final.

Such petition shall be filed to the Secretary of the Executive Committee, in duplicate accompanied by a fee as may be prescribed by the Executive Committee.

11. Term of Office of the Deputy Syiem:-

- (1) The Deputy Syiem shall hold office during his life time from the date of his appointment.
- (2) The Deputy Syiem shall remain in office as long as he enjoys the confidence of the Syiem and the Executive Durbar.

However, in the event of any complaint against the functioning of the Deputy Syiem which prima facie disclosed that he has violated any of the terms and conditions of his appointment/Sanad or that he has lost the confidence of the Syiem and his Executive Durbar, or he has been conducting himself in a manner derogatory to his office or which may undermine the authority of Executive Committee, or he is found to be mentally unfit or incapable to carry out the administration of the Hima due to ill health, old age or habitual drunkenness, the Syiem and his Executive Durbar may, after inquiry, suspend or remove him from office.

Provided that, the Deputy Syiem shall not be removed or suspended from office unless he is given an opportunity of being heard.

12. Qualifications for the office of the Basan, Myntri, Lyngdoh, the Syiem Raid, the Lyngdoh Raid or Longsan:-

An adult male person belonging to the Khasi community who is the native of the Raid Ri-Lum and Raid-Ri-Them mentioned in Schedule-II and Schedule-III shall qualify to be elected as the Basan, Myntri, Lyngdoh, Syiem Raid, Lyngdoh Raid or Longsan if:-

- (1) he is a natural or biological son of Khasi mother;
- (2) he observes and is governed by Khasi matrilineal system of lineage, the Khasi laws of inheritance and succession and the Khasi laws of consanguinity and kinship;
- (3) he bears a good moral character;
- (4) he is a native resident of the Raid Ri-Lum or Raid Ri-Them;
- (5) he is able to read, write and speak the Khasi language; and
- (6) he is not a member of any political party.

13. Election/Nomination of the Basan, the Myntri, the Lyngdoh, the Syiem Raid, the Lyngdoh Raid or Longsan:-

- (1) When a vacancy occurs in the office of the Basan, the Myntri, the Lyngdoh, the Syiem Raid, the Lyngdoh Raid or Longsan, the Syiem shall, on the advice of the Executive Durbar, inform the clan concerned to elect a new Basan, a Myntri, a Lyngdoh, a Syiem Raid, Longsan or a Lyngdoh of the Raid Ri-Lum or the Raid Ri-Them, as the case may be, as shown in Schedule- II and Schedule-III to this Act.
- (2) The newly elected/nominated Basan, Myntri, Lyngdoh, Syiem Raid, Lyngdoh Raid or Longsan shall be placed before the Executive Durbar for confirmation and upon which the Syiem shall issue an appointment letter or Sanad to the person concerned under such terms and conditions as the Executive Durbar may prescribe. A report of the same shall be submitted to the Executive Committee at the earliest and not later than 30 days from the date of such appointment.

14. Dispute regarding the election and Confirmation of the Basan, Myntri, Lyngdoh, the Syiem Raid, the Lyngdoh Raid or Longsan:-

- (1) If any party(ies) is aggrieved of any order passed by the Syiem/Acting Syiem and Executive Durbar regarding any matter connected with the post of Basan, Myntri, Lyngdoh, the Syiem Raid, the Lyngdoh Raid or Longsan, the aggrieved part(ies) shall within thirty days from the date of such order, refer the dispute by a petition, to the Syiem/Acting Syiem and Executive Durbar on payment of prescribed fee, for decision.
- (2) An appeal against such decision shall lie to the Executive Committee whose decision is final. Such petition shall be filed to the Secretary of the Executive Committee, in duplicate accompanied by a fee as may be prescribed by the Executive Committee.

15. Term of Office:-The Hasan, Myntri, Lyngdoh, the Syiem Raid, the Lyngdoh Raid or Longsan of the Raid Ri-Lum or the Raid Ri-Them shall hold office during his life time from the date of his appointment.

However, in the event of any complaint against the functioning of the Basan, Myntri, Lyngdoh, the Syiem Raid, the Lyngdoh Raid or Longsan which prima facie disclosed that he has violated any of the terms and conditions of his appointment/Sanad or that he has violated any of the qualifications provided in Section 12 of the Act or he has violated any of the customary practices or customary laws of the Hima or he has lost the confidence of the majority of his clan members or he has been conducting himself in a manner derogatory to his office or which may undermine the authority of the Executive Committee, or he is found to be mentally unfit or incapable to carry out the administration of the Hima due to ill health, old age or habitual drunkenness, the Syiem or Acting Syiem and the Executive Durbar may, after inquiry, suspend or remove him from office and shall inform the concerned clan of the Raid mentioned either in Schedule-II or Schedule-III to elect/nominate another male adult who meets all the qualifications provided in Section 12 above.

Provided that the Basan Myntri, Lyngdoh, the Syiem Raid, the Lyngdoh Raid or Longsan shall not be removed or suspended from office unless he is given an opportunity of being heard.

16. Election and Confirmation of the Rangbah Shnong:-

- (1) When a vacancy occurs in the office of a Rangbah Shnong, the Syiem or the Acting Syiem shall, on the advice of the Executive Durbar, direct the Khasi male adults/elders of the village/urban Locality concerned to summon a meeting of the heads of households/elders of the village/urban locality or the male adults of the village/urban locality as the case may be, on such date and time as may be fixed by him for the election of a new Rangbah Shnong. Such meeting shall be presided over by the Basan, the Myntri, the Lyngdoh, the Syiem Raid or the Lyngdoh Raid duly authorized by the Syiem or Acting Syiem and his Executive Durbar.
- (2) The result of the election shall be placed before the Syiem or Acting Syiem and his Executive Durbar for confirmation and upon which shall issue appointment letter or Sanad to the person concerned under such terms and conditions as the Executive Durbar may prescribe. Such action shall be intimated to the Executive Committee accordingly.
- (3) A Rangbah Shnong shall be elected only by the recognized Khasi male adults who are the permanent residents of the village or urban locality concerned.
- (4) The Executive Durbar may determine the necessary qualifications and other matters connected with the post of a Rangbah Shnong.

17. Dispute regarding the election and confirmation of the Rangbah Shnong:-

- (1) If within thirty (30) days of the declaration of the result by the Syiem or Acting Syiem and his Executive Durbar, any dispute arises regarding any matter relating to or connected with the election and confirmation of the Rangbah Shnong, the party or parties concerned shall refer the dispute by a petition, to the Syiem or the Acting Syiem on payment of the prescribed fee for decision.
- (2) An appeal against such decision shall lie to the Executive Committee whose decision is final.
- (3) The appeal to the Executive Committee shall be filed within thirty (30) days from the date the order of the Syiem or the Acting Syiem and the Executive Durbar is communicated to the party or parties concerned accompanied by:-
 - (a) The certified copy of the order appealed against;
 - (b) A petition fee as may be prescribed by the Executive Committee.

18. Term of Office, removal and suspension of the Rangbah Shnong:-(1) A Rangbah Shnong shall hold office as per the terms and conditions in the appointment order/Sanad provided that he may be removed from office or suspended by the Syiem or the Acting Syiem and his Executive Durbar if:-

- (a) he refuses to carry the orders and instructions issued by the Executive Durbar;
- (b) he violates any of the provisions of this Act or rules or/and resolutions of the Executive Durbar;

- or
- (c) he violates any of the laws, regulations, rules and resolutions of the Executive Committee;
- or
- (d) he has been convicted of an offence involving moral turpitude;
- or
- (e) he is found incapable of carrying on his duties and functions due to ill health, old age or habitual drunkenness;
- or
- (f) he is found to be mentally unfit to carry out his duties and functions;
- or
- (g) he is found to have been conducting himself in a manner derogatory to his office;
- or
- (h) he is found to have been conducting himself in a manner which may undermine the authority of the Executive Committee;
- or
- (i) he has lost the confidence of the majority of the members of the village Durbar who elect him.
- (2) An appeal against any order passed under sub-section (1) above, shall lie to the Executive Committee whose decision shall be final and every such appeal shall be filled within thirty days from the date the order is communicated or known to the party or parties concerned accompanied by a petition fee as may be prescribed by the Executive Committee.

Notwithstanding anything contained in sub-section (1) above the Executive Committee may remove or suspend any Rangbah Shnong if in its opinion, he is liable for taking action under any of the clauses of sub-section (1) above, and the order passed by the Executive Committee in such cases shall be final;

Provided that a Rangbah Shnong shall not be removed or punished under Section 18 (1) above unless he is given an opportunity of being heard.

Provided, further, that the requirements of the above proviso shall not apply:-

- (i) in the case where the order of removal or punishment or suspension is awarded on account of his being convicted of an offence involving moral turpitude;
- (ii) in the case of order of suspension pending enquiry.

19. Power of the Executive Durbar:-

The Executive Durbar shall have the power to make rules for the day-to-day general and as well as revenue administration of the Hima in accordance with the customary practices and the provisions of this Act and such rules shall come into effect only after approval by the Executive Committee.

20. Taking Part in Politics and Elections:-

- (1) The Syiem, the Deputy Syiem, the Basan, the Myntri, the Lyngdoh, the Syiem Raid, the Lyngdoh Raid, Longsan or Rangbah Shnong shall not be a member or be otherwise associated with any political party or any organization which takes part in politics, nor shall they take part in subscribed in aid or assist in any other manner, any political movement or activity;
- (2) If any question arises whether any movement or activity falls within the scope of this Act, the decision of the Executive Committee shall be final.

- (3) The Syiem, the Deputy Syiem, the Basan, the Myntri, the Lyngdoh, the Syiem Raid, Lyngdoh Raid, Longsan or Rangbah Shnong shall not canvas or otherwise interfere or use his influence in connection with or take part in an election to any Legislature, Council or Local authority.

Provided that:

- (i) The Syiem, the Deputy Syiem, the Basan the Myntri, the Lyngdoh, the Syiem Raid, Lyngdoh Raid, Longsan or Rangbah Shnong qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;
- (ii) The Syiem, the Deputy Syiem, the Basan, the Myntri, the Lyngdoh, the Syiem Raid, Lyngdoh Raid, Longsan or Rangbah Shnong shall not be deemed to have contravened the provisions of this Act by reason only that he assists in the conduct of an election in due performance of a duty imposed on him in his official capacity or under any law for the time being in force; and
- (iii) The display by the Syiem, the Deputy Syiem, the Basan, the Myntri, the Lyngdoh, the Syiem Raid, Lyngdoh Raid, Longsan or Rangbah Shnong on his person or vehicle any election symbol shall amount to using his influence in connection with an election within the meaning of this sub-section.

21. Demonstrations and Strikes:-

The Syiem, the Deputy Syiem, the Basan, the Myntri the Lyngdoh, the Syiem Raid, Lyngdoh Raid, Longsan or Rangbah Shnong shall not participate in any demonstration or resort to any form of strike in connection with any matter pertaining to his condition of service.

22. Connection with Press, Radio, Television etc:-

The Syiem, the Deputy Syiem, the Basan, the Myntri, the Lyngdoh, the Syiem Raid, Lyngdoh Raid, Longsan or Rangbah Shnong shall not except in accordance with any general or special orders of the Executive Committee or in the performance in good faith of the duties assigned to them communicate directly any official documents or information to any other person or to the press to whom they are not authorized to communicate such documents or information.

23. Criticism of the Executive Committee:-

- (1) The Syiem, the Deputy Syiem, the Basan, the Myntri, the Lyngdoh, the Syiem Raid, Lyngdoh Raid, Longsan or Rangbah Shnong shall not in any manner make radio or television broadcast, or publish any document, or make any statement or public utterances, or any communication to the press:-
- (i) which has the effect of an adverse criticism of the Central or State Government or the Executive Committee or
- (ii) which is likely to embarrass the relations between the Central Government and the District Council or the Central Government and any State Government and the District Council.
- (2) Subject to the provisions of sub-section (1) above nothing in this section shall apply to any statements made or views expressed to the Executive Committee in confidence by the Syiem, the Deputy Syiem, the Basan, the Myntri, the Lyngdoh, the Syiem Raid, the Lyngdoh Raid, Longsan or Rangbah Shnong in their official capacity or in the due performance of their duties.

24. Protection of action taking in good faith:-

No suit, prosecution or other legal proceedings shall lie against any officer or person for executing any order made by the Executive Committee or in respect of anything which is in good faith done or intended to be done by any authorized officer or person under this Act or the rules or orders made there-under.

25. Authorisation:-

The Executive Committee may, by order in writing, authorize two or more of its members to exercise on its behalf any power or powers conferred upon it by this Act and anything heard, any act done or order passed as such by such members of the Executive Committee shall be deemed to have been heard, done or

passed by the Executive Committee.

26. Annulment:-

The provisions contained in the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959 as amended, shall on and from the commencement of this Act, no longer be operative as far as the Hima Myllem is concerned.

STATEMENT OF OBJECT AND REASONS

It is considered expedient to safeguard and preserve the customary practices within the Myllem Syiemship in matters relating to appointment and succession of the Syiem, Deputy Syiem the Electors and Rangbah Shnong of the Hima.

Hence this Act.

Certified that the above Act was passed by the Khasi Hills Autonomous District Council on the 29th October, 2007.

M. PYRBOT,
Chairman,
Khasi Hills Autonomous District Council,
Shillong.

No. _____

I assent to this Act,

Dated Shillong,
The 5th April, 2008.

S. S. SIDHU,
GOVERNOR OF MEGHALAYA.

SCHEDULE - I**NAMES OF THE SYSTEMS WHO RULED MYLLIEM SYIEMSHIP SINCE ITS INCEPTION AS ON THE DATE OF ENACTMENT OF THIS ACT.****Section 2 (t)**

Sl. No.	Name of the Syiem	Name of the Acting Syiem	Dewan	Period
1	U Hajar Sing Syiem			1853 - 1861
2.	U Mile Sing Syiem			1861 - 1868
3.	U Hain Manik Syiem			1868 - 1896
4.		U Mur Manik Syiem		1896 - 1897
5.	U Ron Sing-II Syiem			1897 - 1914
6.	U Kumuin Manik Syiem			1914 - 1935
7.	U Sati Raja		U David Roy	1936 - 1942 1946 - 1950 1943 - 1945
8.	U. Jormanik Syiem	U Jum Singh Manik Syiem		1951 - 1959
9.				1959 - 1963
10.	U Fransiswell Syiem			1963- 1986
11.		U Armstrong Syiem		1986 - 1986 1988 - 1990 2006 - 2007
12.		U Sporso Manik Syiem		1986 - 1988
13.	U Laborious Manik Syiem			1990 - 2002
14.		U Latho Manik Syiem		2002 - 2006
15.	U Latho Manik Syiem			2007-

SCHEDULE -II**LIST OF ELECTORS OF MYLLIEM SYIEMSHIP****Section 2 (h)**

Sl. No.	Name of the Raid	Name of the Clan	Designation of an Elector
1.	San Kur, Raid Myllem	Marbaniang	Lyngdoh
2.		Sohtun	Myntri
3.		Kharkongor	Myntri
4.		Kurkalang	Myntri
5.		Nongkhlaw	Myntri

Sl. No.	Name of the Raid	Name of the Clan	Designation of an Elector
6.	Khadwei Kur Raid Myllem	Synteng Umwi	Myntri
7.		Kharrubon	Myntri
8.		Kharmawphlang	Myntri
9.		Langstieh	Myntri
10.		Kharlukhi	Myntri
11.		Wartyngbah	Myntri
12.		Kharlang	Myntri
13.		Warnongjri	Myntri
14.		Synteng Nongdhar	Myntri
15.		Kharmon	Myntri
16.		Myllem Umlong	Myntri
17.		Kharir (bynrap)	Myntri
18.	Saw Kur Nongbet	Khyriem	Myntri
19.		Iawiang	Myntri
20.		Sohlang	Myntri
21.		Lyngdoh	Lyngdoh Nongbet
22.	Raid San Shnong	Nongneng Daloi	Basan Nongumlong
23.		Pathaw	Myntri
24.		Thangkhiew	Basan Nongkseh
25.		Nongbsap	Lyngdoh Nongbsap
26.		Majaw	Myntri
27.	Arphewlai Jait, Raid San Shnong	Kharbuki	Myntri/Elector
28.		Rapsang	Myntri/Elector
29.		Kharsati	Myntri/Elector
30.		Kharpan	Myntri/Elector
31.		Pyrtuh Nongbsap	Myntri/Elector
32.		Langbnang	Myntri/Elector
33.		Kharbudnah	Myntri/Elector
34.		Lyngdoh Nongumlong	Myntri/Elector
35.		Pator Nongumlong	Myntri/Elector
36.		Kharbteng	Myntri/Elector
37.		Warkongsti	Myntri/Elector
38.		Rumnong Sohsla	Myntri/Elector
39.		Kurwar Sadew	Myntri/Elector
40.		Lyngdoh Sadew	Myntri/Elector
41.		Kharlor	Myntri/Elector

Sl. No.	Name of the Raid	Name of the Clan	Designation of an Elector
42.	San Kur, Raid Myllem	Shanpru	Myntri/Elector
43.		Mawshai	Myntri/Elector
44.		Pathaw Lar-iew	Myntri/Elector
45.		Nengnong	Myntri/Elector
46.		Kharumlong	Myntri/Elector
47.		Syndor	Myntri/Elector
48.		Bhoi Tron	Myntri/Elector
49.		Lyngdoh Nongkse (Ba la duh jait) Extinct	Myntri/Elector

SCHEDULE -III

**LIST OF THE SYIEMS RAIDS AND LYNGDOH RAIDS OF THE RAID RI-THEM OF
MYLLIEM SYIEMSHIP
Section 2 (m) & (u)**

Sl. No.	Name of the Raid	Name of the Clan	Designation in the Raid
1.	Raid Mawthoh	Syiem Mawthoh	Syiem Raid
2.	Raid Narlein	Syiem Narlein	Syiem Raid
3.	Raid Nongbri	Syiem Nongbri	Syiem Raid
4.	Raid Nongtluh	Syiem (Kuba)	Syiem Raid
5.	Raid Bhoilasa	Lyngdoh	Lyngdoh Raid
6.	Raid Mathan	Mangu	Lyngdoh Raid
7.	Raid Marngar	Syiem (Raja)	Syiem Raid
8.	Raid Umwang	Teron	Bongthe Raid
9.	Raid Kharpati	Rongpeit	Bongthe Raid
10.	Raid Nongsohbar	Lyngdoh	Lyngdoh Raid
11.	Raid Marmain	Rongchon	Bongthe Raid
12.	Raid Khuswai	Rongchon	Bongthe Raid
13.	Raid Mawbuh	Syiem Mawbuh	Syiem Raid
14.	Raid Marwet	Syiem Marwet	Syiem Raid
15.	Raid Nongkharai	Timung	Lyngdoh Raid/Bongthe
16.	Raid Dumria	Syiem (Kuba)	Syiem/Raid



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PART IV

GOVERNMENT OF MEGHALAYA

DISTRICT COUNCIL AFFAIRS DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 9th April, 2008.

No.DCA.16/2004/61.—In exercise of the powers conferred under sub-rule (1) of Rule 20 read with sub rule (1) of Rule 19 of the Assam and Meghalaya Autonomous Districts (Constitution of District Councils) Rules, 1951, as amended and on the advice of the Chief Executive Member, Khasi Hills Autonomous District Council, the Governor of Meghalaya is pleased to appoint the following Members of District Council, as, members of the Executive Committee of the Khasi Hills Autonomous District Council.

Name of M.D.C.

1. Shri J. T. S. Thongni, M.D.C.
2. Shri Latiplang Kharkongor, M.D.C.

C. D. KYNJING,

Commissioner & Secretary to the Govt. of Meghalaya,
District Council Affairs Department.



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Name of M.D.C.

1. Shri B. L. Nongum, M.D.C.
2. Shri W. L. Mynsong, M.D.C.
3. Smti. Irene Lyngdoh, M.D.C.
4. Shri L. Blah, M.D.C.
5. Shri S. Rashir, M.D.C.

C. D. KYNJING,

Commissioner & Secretary to the Govt. of Meghalaya,
District Council Affairs Department.



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PART IV

GOVERNMENT OF MEGHALAYA

DISTRICT COUNCIL AFFAIRS DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 26th November, 2007.

No.DC.L/VII/6/2007/6/4005.—In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Khasi Hills Autonomous District Council is hereby published for general information:-

THE KHASI HILLS AUTONOMOUS DISTRICT (APPOINTMENT AND SUCCESSION OF THE SYIEM, SYIEM-KHYNNAH, MYNTRI AND HEADMEN OF JIRANG SYIEMSHIP) ACT, 2007.

AN

ACT

to make provisions for the Appointment and Succession of the Syiem, Syiem-Khynnah, Myntri and Headmen of Jirang Syiemship.

Preamble:- Whereas under clause (g) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council of an Autonomous District is empowered to make laws with respect to the appointment or succession of Chiefs or Headmen:

And whereas it is expedient to make such provisions for the appointment and succession of the Syiem, Syiem - Khynnah, Myntri and Headmen of Jirang Syiemship;

Now, therefore, the District Council of the Khasi Hills Autonomous District, in exercise of powers conferred on it as aforesaid and of all other powers enabling it in that behalf, hereby enacted in the Fifty Eighth year of the Republic of India as follows:-

- Short title, Extent and Commencement:-** (1) This Act may be called the Khasi Hills Autonomous District (Appointment and Succession of the Syiem, Syiem - Khynnah, Myntri and Headmen of Jirang Syiemship) Act, 2007.
(2) It applies to the whole of Jirang Syiemship.
(3) It shall come into force at once.
- Definitions:-** In this Act unless the context otherwise requires, the following expressions shall have the

meaning hereby respectively assigned to them as follows:-

- (a) "Adult" means a person who is not less than eighteen years of age;
- (b) "District Council" means the Khasi Hills Autonomous District Council constituted under the provisions of the Sixth Schedule to the Constitution of India;
- (c) "Durbar Hima" or "Durbar Pyllun" means the general Durbar of Jirang Syiemship to be convened, wherever necessary on the advice of the Executive Durbar, by the Syiem or any person acting as such, provided that the Durbar Hima shall compulsorily be convened by the Syiem as the Chairman at least once in every year;
- (d) "Electors" mean the recognised male adult members of Jirang Syiemship belonging to the Khasi community who are eligible to elect the Syiem of Jirang Syiemship;
- (e) "Executive Committee" means the Executive Committee of the Khasi Hills Autonomous District Council;
- (f) "Executive Durbar" means the Committee, consisting of the Syiem, Deputy Syiem, Myntri, Secretary Durbar, Headmen and few male elders as may be appointed by the Durbar Hima and approved by the Executive Committee to run the day-to-day administration of Jirang Syiemship and it shall be presided over by the Syiem and in his absence by any member elected by the members present in the meeting;
- (g) "Headman" means and includes a Sordar Shnong or Rangbah Shnong of a village duly elected/nominated as per the prevailing custom and under the provision of this Act;
- (h) "Myntri" means a Khasi male - adult duly elected/nominated as per the prevailing custom and under the provisions of this Act;
- (i) "Returning Officer" means any officer as may be appointed by the Executive Committee;
- (j) "Syiem" means the traditional Chief and the administrative head of Jirang Syiemship who is appointed as such under the provisions of this Act;
- (k) "Syiem clan" means the Wahlang Pahsyntiew clan which is the customary ruling clan of the Syiemship;
- (l) "Syiem-Khynnah" means the Deputy Syiem who is nominated/elected from amongst the adult male members of the Syiem clan/ruling clan duly recommended by the Syiem and Durbar and approved by the Executive Committee.

3. **Election for the appointment of the Syiem:-** (1) When a vacancy occurs in the office of the Syiem, the Returning Officer shall cause the Electoral Roll to be prepared of all eligible voters, call for the nomination of candidates, hold election, declare the result thereof and or do things necessary for the purpose of the election.

(2) The Returning Officer may, in case of doubt or uncertainty, refer the proceedings to the Executive Committee which shall decide and direct the Returning Officer accordingly.

4. **Appointment of the Syiem:-** On the basis of the result referred to in Section 3 of this Act, the Executive Committee shall recommend the appointment of the Syiem elect, to the next Session of the District Council and after approval of the Council, shall forthwith issue appointment order under such terms and conditions as the Executive Committee may provide and not inconsistent with the provisions of this Act.

5. **Dispute regarding the Election:-** If within 30 (thirty) days of the declaration of the result by the Returning Officer, any dispute arises regarding any matter relating to or connected with the Election of the Syiem, the party or parties concerned shall refer the dispute by a petition to the Tribunal constituted by the Executive Committee for the purpose and the Tribunal shall dispose of the matter as early as possible and shall not ordinarily exceed six months from the date of receipt of the case records and to submit its report and findings to the Executive Committee for final decision.

Such petition shall be filed to the Secretary to the Executive Committee in duplicate, accompanied by a fee

as may be prescribed by the Executive Committee.

6. Qualification for the Office of Syiem, Deputy Syiem and Acting Syiem - A Khasi male shall qualify to be elected as a Syiem, Deputy Syiem and Acting Syiem if he :-

- a) is a resident of Jirang Syiemship and belongs to the Wahlang Pahsyntiew clan;
- b) is not less than 25 years of age and bears a good moral character;
- c) is included in the Voters' List of Jirang Syiemship;
- d) is not an employee of any Government Department or District Council; and
- e) is not a member of another Elaka.

7. Term of Office:- There shall be only one Syiem to be elected from the whole of Jirang Syiemship and his term of office shall be for life from the date of his appointment provided that he may be removed from office or suspended by the Executive Committee if :-

- (a) he violates any of the terms and conditions of his appointment,
or
- (b) he violates any of the laws, regulations, rules and the resolutions passed by the Council,
or
- (c) he refuses to carry out the orders and instructions issued by the Executive Committee,
or
- (d) he is found to be mentally unfit to carry out his functions,
or
- (e) he is found incapable of carrying on the administration to the satisfaction of the Executive Committee due to ill health, old age or habitual drunkenness,
or
- (f) he violates any customary rights and practices prevailing in the Elaka and duly recognised by the Executive Committee,
or
- (g) he has been convicted of an offences involving moral turpitude,
or
- (h) he is found to have oppressed the people of the Elaka and they have just cause for dissatisfaction with his misrule,
or
- (i) he has lost the confidence of the majority of his electors or of the people of the Elaka, provided the majority is proved,
or
- (j) he is undischarged in solvent,
or
- (k) he does not reside within the Elaka,
or

- (l) he is found to have been conducting himself in a manner derogatory to his office or prejudicial to the interest of the Elaka or part thereof,

or

- (m) he has been conducting himself in a manner which may undermine the authority of the Executive Committee,

or

- (n) he fails to convene the annual Durbar Hima or Durbar Pyllun without valid reasons:

Provided further that (i) every such case shall be placed before the Council in its next Session and (ii) the Syiem shall not be removed from office or punished with suspension unless he is given an opportunity of being heard:

Provided also that the requirements of the second proviso shall not apply-

- (i) in the case where the order of removal or punishment or suspension is awarded on account of his being convicted of an offence involving moral turpitude,

or

- (ii) in the case of order of suspension pending inquiry.

8. **Appointment of Acting Syiem:-** (1) If at any time the Office of a Syiem becomes vacant as a result of death, resignation, retirement due to old age, removal or suspension, the Executive Committee may by order in writing, appoint any male adult belonging to the Wahlang Pahsyntiew Clan of Jirang Elaka duly nominated by the ruling clan and endorsed by the Durbar Hima, to act as an Acting Syiem who shall exercise all the powers and functions of the Syiem.

(2) An Acting Syiem will remain in Office until appointment of a new Syiem or until further order of the Executive Committee whichever is earlier.

(3) Whenever there is a change of incumbent on account of sub-section (1) above, there shall be a proper taking and handing over charge of the office properties duly recorded in writing between the predecessor and the successor incumbents in the presence of witnesses.

Any deliberate or willful violation of this provision shall be treated to be an act of criminal breach of trust and the incumbent is liable to be proceeded with accordingly.

9. **Election and Confirmation of Myntri and Headmen:-** (1) There shall be four Myntris within Jirang Syiemship out of which three of them shall be nominated/elected by the Executive Durbar from among the Khasi adult males belonging to any Khasi clan, who are the residents and recognized voters of the Syiemship. The fourth Myntri also known as "Kongor Myntri" shall be nominated by the Syiem clan/Ruling clan from amongst any Khasi males, who has legally married to the females belonging to the Syiem clan/Ruling clan and traditionally recognized as such, who on the recommendation of the Executive Durbar shall be placed before the Durbar Hima for approval.

The Syiem shall after approval of the Dorbar Hima, issue appointment letter to the Myntri elect under such terms and conditions as the Executive Durbar may provide with an intimation to the Executive Committee.

The post of Myntri is normally elected for life, however, on the advice of the Executive Durbar, any of the Myntri can be removed from office or suspended by the Durbar Hima if he is found;

i) to have violated or purposely ignored to follow any of the laws, rules and regulations of the Syiemship and the resolutions/Orders passed by the Dorbar Hima and the District Council under the provision of this Act;

ii) to be incapable to carry out his function due to ill health, old age or habitual drunkenness;

iii) to have been convicted of any offence by any Court of Law;

iv) to have lost the confidence of the majority of the members of the Executive Durbar and the Dorbar Hima of the Syiemship.

(2) Any vacancy in the post of Headmen shall be reported to the Syiem who shall summon a meeting of all the male adults of that village on such date and time as may be fixed by him for the election of new Headmen, and such meeting shall be presided over by the Syiem or by any person authorised by him. On the basis of the result of such election the Headman shall be appointed by the Syiem under such terms and conditions as the Executive Durbar may provide which shall be intimated immediately to the Executive Committee.

(3) The Executive Durbar shall have the power to determine the necessary qualifications and other matters connected with the office of Myntri or Headman.

(4) An appeal against any order passed by the Syiem and his Durbar shall lie to the Executive Committee whose decision shall be final. Such appeal shall be filed within thirty days from the date the orders is communicated or known to the party or parties concerned accompanied by a petition fee to be prescribed by the Executive Committee.

10. **Power to make Rules:-**The Executive Durbar shall have the power to make rules for the day-to-day administration of the Syiemship in accordance with the customary practices and the provisions of this Act and such rules shall be submitted to the Executive Committee for approval.

11. **Taking part in Politics and Elections:-**(1) The Syiem, Deputy Syiem or Acting Syiem or any Myntri/Headman shall not be a member or be otherwise associated with any political party or any organisation which takes part in politics, nor shall they take part in, subscribe in aid or assist in any other manner, any political movement or activity.

(2) If any question arises whether any movement or activity falls within the scope of this Act the decision of the Executive Committee shall be final.

(3) The Syiem, Deputy Syiem or Acting Syiem or any Myntri/Headman shall not canvas or otherwise interfere or use his influence in connection with or take part in an election to any Legislature, Council or Local authority:

Provided that (i) the Syiem, Deputy Syiem or Acting Syiem of any Myntri/Headman qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) the Syiem, Deputy Syiem or Acting Syiem or any Myntri/Headman shall not be deemed to have contravened the provisions of this Act by reason only that he assists in the conduct of an election in due performance of a duty imposed on him or under any law for the time being in force; and

(iii) the display by the Syiem, Deputy Syiem or Acting Syiem or any Myntri/Headman of any election symbol on his person or vehicle, shall amount to using his influence in connection with an election within the meaning of this sub-section.

12. **Demonstrations and Strikes:-**The Syiem, Deputy Syiem or Acting Syiem or any Myntri/Headman shall not participate in any demonstration or resort to any form of strike in connection with any matter pertaining to his condition of service.

13. **Connection with press, radio, television, etc:-** The Syiem, Deputy Syiem or Acting Syiem or any Myntri/Headman shall not except in accordance with any general or special orders of the Executive Committee or in the performance in good faith of the duties assigned to them communicate directly or indirectly any official documents or information to any other person or to the press to whom they are not authorised to communicate such documents or information.

14. **Criticism of the Executive Committee :-** (1) The Syiem, Deputy Syiem or Acting Syiem or any Myntri/Headman shall not in any manner make radio or television broadcast, or publish any document, or make any statement or public utterances, or any communication to the press:-

(i) which has the effect of an adverse criticism of the Central or the State Government or the Executive Committee; or

(ii) which is likely to embarrass the relation between the Central Government and the District Council or the Central Government and any State Government or the State Government and the District Council.

(2) Subject to the provisions of sub-section (1) above, nothing in this section shall apply to any statements made or views expressed to the Executive Committee in confidence by the Syiem, Deputy Syiem or Acting Syiem or any Myntri/Headman in their official capacity or the due performance of their duties.

15. **Protection of action taking in good faith:-** No suit, prosecution or other legal proceedings shall lie against any officer or person for executing any order made by the Executive Committee or in respect of anything which is in good faith done or intended to be done by the authorised officer or person under this Act or the rules or orders made thereunder.
16. **Annulment:-** The provisions contained in the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs & Headmen) Act, 1959 as amended, shall on and from the commencement of this Act, no longer be operative as far as Jirang Syiemship is concerned.

STATEMENT OF OBJECT AND REASONS

It is considered expedient to safeguard and preserve the customary practices within Jirang Syiemship in matters relating to the appointment and succession of the Syiem and Headmen.

Hence this Act.

Certified that the above Act was passed by the Khasi Hills Autonomous District Council on the 29th October, 2007.

M. PYRBOT,
Chairman,
Khasi Hills Autonomous District Council,
Shillong.

No. _____

I assent to this Act.

Dated Shillong,
The 5th April, 2008.

S. S. SIDHU,
GOVERNOR OF MEGHALAYA